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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,481	10/12/2000	Michael J. Polcyn	47524-P102US-09901295	7741

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DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.
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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 09/23/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,481

Applicant(s)

POLCYN, MICHAEL J.

Examiner

Md S Elahee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 11-14, 19-25, 29-31, 36-40, 42-48, 52-55, 60, 62-68 and 72-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Crockett et al. (U.S. Patent No. 6,044,355).

Regarding claim 1, Crockett teaches providing a finite number of agents for incoming calls (abstract; col.4, lines 54-67; ‘agents’ reads on the claim ‘resources’ and ‘incoming calls’ reads on the claim ‘servicing requests’).

Crockett further teaches quantifying at least one skill of the agents (abstract; col.4, lines 54-67; ‘skill’ reads on the claim ‘attribute’ and ‘agents’ reads on the claim ‘resources’).

Crockett further teaches receiving at least one request for at least one of the agents (abstract; col.4, lines 54-67; ‘agents’ reads on the claim ‘resources’).

Crockett further teaches quantifying at least one skill desired by the at least one request (col.4, lines 54-67, col.5, lines 1-29; ‘skill’ reads on the claim ‘attribute’).

Crockett further teaches based at least in part on the quantifying steps, determining at least one suitable agent for servicing the at least one request (col.4, lines 54-67, col.5, lines 1-29; ‘agent’ reads on the claim ‘resource’).

Regarding claims 2, 20, 44 and 64, Crockett teaches that the resources include agents within a telephony call center (col.4, lines 54-67, col.5, lines 1-29).

Art Unit: 2697

Regarding claims 3, 21, 45 and 65, Crockett teaches that the at least one request includes a request from a caller to a telephony center (col.5, lines 5-29).

Regarding claims 4, 22, 46 and 66, Crockett teaches that the agents include resources within a computer system (fig.1; col.4, lines 54-67, col.5, lines 1-29, 35-38; 'agents' reads on the claim 'resources').

Regarding claims 5, 23, 47 and 67, Crockett teaches that the agents include resources selected from the group consisting of skills (fig.1, fig.2; col.4, lines 54-67, col.5, lines 1-29; 'agents' reads on the claim 'resources' and 'skills' reads on the claim 'data input resources, data output resources, data storage resources, and data processing resources').

Regarding claims 6 and 24, Crockett teaches quantifying two or more skills of the agents (col.4, lines 54-67, col.5, lines 1-29; 'skills' reads on the claim 'attributes' and 'agents' reads on the claim 'resources').

Regarding claims 7, 25, 48 and 68, Crockett teaches quantifying "N" number of skills of the agents (col.5, lines 5-29; 'skills' reads on the claim 'attributes' and 'agents' reads on the claim 'resources').

Regarding claims 11, 29, 52 and 72, Crockett teaches determining the at least one suitable agent from agents then available to immediately service the at least one request (col.4, lines 54-67, col.5, lines 1-29; 'agent' reads on the claim 'resource').

Regarding claims 12, 30, 53 and 73, Crockett teaches determining the at least one suitable agent from all of the agents (col.4, lines 54-67, col.5, lines 1-29; 'agent' reads on the claim 'resource').

Art Unit: 2697

Regarding claims 13, 31, 54 and 74, Crockett teaches that the at least one attribute includes at least one skill possessed by the agents (col.5, lines 5-29; 'agents' reads on the claim 'resources').

Regarding claims 14, 55 and 75, Crockett teaches that the at least one attribute includes at least one functional capability possessed by the agents (col.5, lines 5-29; 'agents' reads on the claim 'resources').

Regarding claim 19, Crockett teaches quantifying at least one functional skill of the agents (abstract; col.4, lines 54-67; 'skill' reads on the claim 'attribute' and 'agents' reads on the claim 'resources').

Crockett further teaches receiving at least one request for the at least one functional skill (abstract; col.4, lines 54-67; 'skill' reads on the claim 'attribute').

Crockett further teaches quantifying the at least one functional skill desired by the at least one request (col.4, lines 54-67, col.5, lines 1-29; 'skill' reads on the claim 'attribute').

Crockett further teaches based at least in part on the quantifying steps, determining at least one suitable agent for servicing the at least one request (col.4, lines 54-67, col.5, lines 1-29; 'agent' reads on the claim 'resource').

Regarding claim 36, Crockett teaches quantifying at least one skill of the agents (abstract; col.4, lines 54-67; 'skill' reads on the claim 'attribute' and 'agents' reads on the claim 'resources').

Crockett further teaches receiving at least one request for at least one of the agents (abstract; col.4, lines 54-67; 'agents' reads on the claim 'resources').

Art Unit: 2697

Crockett further teaches quantifying at least one skill desired by the at least one request (col.4, lines 54-67, col.5, lines 1-29; 'skill' reads on the claim 'attribute').

Crockett further teaches determining at least one suitable agent for servicing the at least one request based at least in part on the at least one quantified attribute of the agents and the at least one quantified attribute desired by the at least one request (col.4, lines 54-67, col.5, lines 1-29; 'agent' reads on the claim 'resource').

Regarding claim 37, Crockett teaches quantifying at least one skill of the agents includes a computer processor executing computer software code (abstract; col.4, lines 54-67, col.10, lines 49-65; 'skill' reads on the claim 'attribute' and 'agents' reads on the claim 'resources').

Regarding claim 38, Crockett teaches quantifying at least one skill desired by the at least one request includes a computer processor executing computer software code (abstract; col.4, lines 54-67, col.10, lines 49-65; 'skill' reads on the claim 'attribute').

Regarding claim 39, Crockett teaches that the determining means includes a computer processor executing computer software code (col.10, lines 49-65).

Regarding claim 40, Crockett teaches that the receiving means includes a connection to a network (col.5, lines 18-22).

Regarding claims 42 and 62, Crockett teaches that the receiving means includes a switching system (col.4, lines 54-67, col.5, lines 1-29).

Regarding claims 43 and 63, Crockett teaches that the switching system includes an ACD/PBX (col.3, lines 16-21, col.4, lines 54-67, col.1-29).

Art Unit: 2697

Regarding claim 60, Crockett teaches connection to a network capable of receiving at least one request for at least one of the agents (col.5, lines 5-22; 'agents' reads on the claim 'resources').

Crockett further teaches memory for storing computer executable program code, wherein the computer executable program code includes code executable to quantify at least one attribute of the agents, code executable to quantify at least one skill desired by the at least one request, and code executable to determine at least one suitable resource for servicing the at least one request based at least in part on the at least one quantified attribute of the agents and the at least one quantified skill desired by the at least one request (abstract; col.4, lines 54-67, col.5, lines 1-29, col.10, lines 49-65; 'agents' reads on the claim 'resources' and 'skill' reads on the claim 'attribute').

Crockett further teaches processor for executing the computer executable program code (col.10, lines 49-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10, 26-28, 49-51 and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett et al. (U.S. Patent No. 6,044,355) and in view of Homma et al. (U.S. Patent No. 5,179,643).

Art Unit: 2697

Regarding claims 8, 26, 49 and 69, Crockett fails to teach “plotting said quantified "N" number of attributes within an N-dimensional space”. Homma teaches plotting the quantified "N" number of attributes within an N-dimensional space (col.9, lines 23-67, col.10, line1, col.11, lines 12-30). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Crockett to allow plotting the quantified "N" number of attributes within an N-dimensional space as taught by Homma. The motivation for the modification is to have doing so in order to provide the analysis of the attribute information.

Regarding claims 9, 27, 50 and 70, Crockett fails to teach “plotting said quantified at least one attribute desired by said at least one request within said N-dimensional space”. Homma teaches plotting the quantified at least one attribute desired by the at least one request within the N-dimensional space (col.9, lines 23-67, col.10, line1, col.11, lines 12-30). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Crockett to allow plotting the quantified at least one attribute desired by the at least one request within said N-dimensional space as taught by Homma. The motivation for the modification is to have doing so in order to provide the analysis of the attribute information.

Regarding claims 10, 26, 49 and 69, Crockett fails to teach “calculating the distance between said quantified "N" number of attributes of said resources and said quantified at least one attribute desired by said at least one request to determine at least one suitable resource for servicing said at least one request”. Homma teaches calculating the distance between the quantified "N" number of attributes of the resources and the quantified at least one attribute desired by the at least one request to determine at least one suitable resource for servicing the at least one request (col.7, lines 24-59, col.9, lines 23-67, col.10, line1, col.11, lines 12-30). Thus, it

Art Unit: 2697

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Crockett to allow calculating the distance between the quantified "N" number of attributes of the resources and the quantified at least one attribute desired by the at least one request to determine at least one suitable resource for servicing the at least one request as taught by Homma. The motivation for the modification is to have doing so in order to provide the analysis of the attribute information.

5. Claims 15-18, 32-35, 56-59 and 76-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett et al. (U.S. Patent No. 6,044,355) and in view of Homma et al. (U.S. Patent No. 5,179,643).

Regarding claims 15, 17, 32, 34, 56, 58, 76 and 78, Crockett fails to teach "grading said at least one attribute of each of said resources along a scale". Homma teaches grading the at least one attribute of each of the resources along a scale (fig.5a, fig.5b; col.8, lines 57-67, col.9, lines 1-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Crockett to allow grading the at least one attribute of each of the resources along a scale as taught by Homma. The motivation for the modification is to have doing so in order to provide the analysis of the attribute information.

Regarding claims 16, 18, 33, 35, 57, 59, 77 and 79, Crockett fails to teach "said scale is of 0 to 100". Homma teaches that the scale is of 0 to 100 (fig.5a, fig.5b; col.8, lines 57-67, col.9, lines 1-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Crockett to allow scale being of 0 to 100 as taught by Homma. The motivation for the modification is to have doing so in order to provide the quantification of the capability of the attributes.

Art Unit: 2697

6. Claims 41 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett et al. (U.S. Patent No. 6,044,355) and in view of McPartlan et al. (U.S. Patent No. 6,584,191).

Regarding claims 41 and 61, Crockett fails to teach "network is selected from the group consisting of public switched telephony network (PSTN), local area network (LAN), wide area network (WAN), the Internet, an Intranet, or any combination thereof". McPartlan teaches that the network is selected from the group consisting of public switched telephony network (PSTN), local area network (LAN), wide area network (WAN), the Internet, an Intranet, or any combination thereof (abstract; fig.2, fig.3; col.6, lines 63-67, col.7, lines 1-20, col.8, lines 23-34). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Crockett to allow the network being selected from the group consisting of public switched telephony network (PSTN), local area network (LAN), wide area network (WAN), the Internet, an Intranet, or any combination thereof as taught by McPartlan. The motivation for the modification is to have doing so in order to provide the network suitable for the system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703) 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Art Unit: 2697

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.

MD SHAFIUL ALAM ELAHEE

September 5, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written in a cursive style.